

OGC 78-0912  
14 February 1978

MEMORANDUM FOR: See Distribution

FROM :   
Office of General Counsel

SUBJECT : Damage Suit - Scientology v. Director, FBI, et al.  
Civil Action No. 78-0107 (U.S.D.C., D.C.)

1. The Church of Scientology has, after several previous filings and dismissals, arrived at a complaint which passes judicial scrutiny, and the case has been assigned to Judge Ritchey who has determined to move this matter with all possible speed.

2. Attachment 1 hereto is a Memorandum for the Record which summarizes Judge Ritchey's pretrial orders.

3. We have today, 14 February, received plaintiffs' interrogatories. Our answers must be submitted to the Department of Justice by 21 February. Thus, we must receive your input by absolutely no later than 9:00 a.m. on 21 February.

4. Since I was not responsible for the plaintiffs' original Freedom of Information litigation, and since that litigation was one of our earliest cases, we must request that you conduct a very thorough, current review of your records and provide any documents or information pertinent to the questions set forth in Attachment 2. Please note that documents in the original Freedom of Information litigation, whether released or denied, should be included in your response.

5. Further, please note that you are not requested to produce a legal document, rather your assistance is needed in developing the operative facts necessary for this office to respond.

6. We can not stress too strongly that Judge Ritchey is most serious about his requirement of complete and accurate responses and adherence to his time schedule. He has clearly stated his intent to impose sanctions (specifically, monetary damages) personally against those individuals who fail to comport with the order.





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Attachments

OGC/LSS/rsp

Distribution:

- 1 - 
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- 1 - C/OS/SAG
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- 1 - OGC

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<b>TRANSMITTAL SLIP</b>		DATE	
TO: PAB/FOIO			
ROOM NO.	BUILDING		
1F04	Hqs.		
REMARKS:			
			
FROM:			
ROOM NO.	BUILDING	EXTENSION	
FORM NO. 1 FEB 55 241	REPLACES FORM 36-8 WHICH MAY BE USED.		(47)

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MEMORANDUM FOR THE RECORD

STAT FROM :   
Office of General Counsel

SUBJECT : Scientology v. Kelley, et al., (damage action)  
Department of Justice Meeting of 2 February 1978

A new complaint has been filed in this litigation and a status call was held on 1 February 1978. Judge Ridey stated that:

- The case would move very rapidly,
- No continuance,
- USG to file responsive pleading within ten days,
- USG to file interrogatories by 13 February 1978 limited to 20 questions,
- Plaintiff to have ten days to answer,
- Plaintiff also to file interrogatories by 13 February 1978 and also limited to 20 questions,
- Will meet with plaintiff's counsel within ten days for informal exchange of information and prepare statement of undisputed facts,
- Plaintiff must file jurisdictional statement with legal memorandum as to each claim and
- If plaintiff desires jury trial, he must make demand within ten days and submit all jury instructions.

The Department of Justice will:

- File Motion to Dismiss on grounds that plaintiff failed to exhaust administration remedies,
- Will need affidavits in support by 7 February 1978 and
- Will begin drafting Answer to B complaint and our interrogatories immediately.

Messenger to pick up interrogatories on Monday, 13 February 1978.

The Department of Justice attorneys are:

Brian Kennedy	739-3146
Mauricio Flores	739-2809
Sally Whitaker	739- <span style="border: 1px solid black; display: inline-block; width: 40px; height: 1.2em; vertical-align: middle;"></span>
(Room 3338)	

Attachment

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### Definitions

1. Any reference to plaintiff and/or its affiliated religious organizations means the Founding Church of Scientology of Washington, D. C.. and any Scientology Church or Mission in the United States presently in existence or in existence at any time between 1955 and the present. The term also includes The Academy of Religious Arts and Sciences, The Academy of Scientology, The Allied Scientists of the World, The Church of American Sciences, The Church of Scientology, The Congress of Eastern Scientologist, The Distribution Center, The Foundation of Scientology, The National Academy of American Psychology, Free Worry Clinic, Hubbard Association of Scientologists and Scientology, Hubbard Association of Scientology International, Hubbard Communication Office, Hubbard Dianetic Foundation, Inc., Hubbard Dianetic Research Foundation, Inc., Hubbard Dianetic Training School, Hubbard Foundation, Hubbard Guidance Center, Institute of Scientology, Pan American Friends Foundation, Scientology Consultants, Scientology Foundation, and Society for Advancement of Clergy.

2. Any request for information concerning the activities of the defendants or defendant agencies or any one of them calls for the actions of any officer, agent or employee, whether full-time or not, and whether paid or not, and specifically includes the actions of any subordinate agencies, branches, field offices (specifically including United States Attorneys offices), or other subdivisions under the control or direction of any of the defendants. In the case of the United States Attorney's Office for the District of

Columbia, it specifically includes members or agents of the Washington Metropolitan Police Department when acting in concert with or under the direction of any member of said Office.

3. Any reference to officers or members of the Church of Scientology who may have been the subject of activity, surveillance or reporting by any of the defendants includes any persons subject to such activity, surveillance or reporting because of their connection with plaintiff or any of its affiliated religious organizations, or known at the time of such activity, surveillance or reporting to have been so connected, or identified in any records of such activity, surveillance or reporting as being so connected.

4. Any reference to the time period covered by this lawsuit means the period from 1955 to the present.

5. Any reference to surveillance includes investigatory activity of any kind, including but not limited to interrogation, field investigation, collection of documents, surveillance of premises, use of informers, whether paid or not, use of infiltrators, opening of mail or other interception of any communication, mail cover, or electronic surveillance.

6. Any reference to electronic surveillance includes wiretapping, bugging of premises, wiring individuals for sound, the use of pen registers, or the employment of any other electronic technique, to intercept, overhear, monitor or otherwise discover either the contents or the existence of any communication.

7. Any reference to the use of informers or infiltrators includes any effort successful or not, (a) to derive information from any individual, whether paid or not, within the organization of the plaintiff or any of its affiliated religious organizations,

attending any courses or meetings of such organizations, or otherwise related to such organizations, who failed to inform such organization of their investigatory function or their connection with the government or (b) to employ such an individual for purposes of disrupting, impeding or otherwise hampering in any fashion the operation, organization or growth of such organization. The term includes any such efforts whether the individual's connection with Scientology began with or pre-dated their agreement to provide information to or perform other acts for any of the defendants.

### Questions

#### A. Questions Regarding Surveillance Activity

1. Have any defendant agencies at any time during the period of this lawsuit engaged in electronic surveillance of the plaintiff or any of its affiliated religious organizations, or any officer or member thereof, or any attorney who at the time of such surveillance was engaged in representing any such organization, officer or member?

2. Have any of the defendant agencies at any time during the period of this lawsuit engaged in physical surveillance of the premises of the plaintiff or any of its affiliated religious organizations or any officer or member of any such organization, by placing a person or persons on or near such premises for purposes of surveillance or attempting to follow any such person for such purpose?

3. Have any of the defendant agencies at any time during the period of this lawsuit used or attempted to use informers or infiltrators (1) to obtain information with respect to plaintiff or any of its affiliated religious organizations, or any officer or member thereof, or any attorney who at the time of such activity was engaged in representing any such organization or person or (2) to disrupt

or otherwise hamper in any fashion the activities, organization, operation or growth of such organization?

4. Have any of the defendant agencies at any time during the period of this lawsuit intercepted, opened, read copied, delayed or otherwise interfered with or placed a "mail cover" on any written communications, whether deposited in the mails or conveyed by private means, addressed to or sent by plaintiff or any of its affiliated religious organizations, or any officer or member thereof, or any attorney who at the time of such interception, opening, interference, or cover, was engaged in representing any such organization or person?

5. Have any of the defendant agencies at any time during the period of this lawsuit entered or caused to be entered the premises of plaintiff or any of its affiliated religious organizations, or any officer or member thereof, or any attorney who at the time of such entry was engaged in representing any such organization or person, where the person or persons making such entry had not first obtained either a search warrant or the express permission of such organization or person, and where the purpose of such entry was to conduct a search?

6. If the answer to any of Questions 1-5 above is "yes," state with respect to each instance of activity responsive to such questions: (1) the agency or agencies and/or subdivision[s] thereof responsible for such activity, (2) the premises and/or the persons who were the subject[s] of such activity, (3) the nature of the activity (electronic surveillance, use of informer, etc.) involved, (4) in the case of any electronic surveillance, the specific method of surveillance involved, (5) in the case of the use of informers and infiltrators, the names of such informers and infiltrators,



(6) the date[s] of commencement and termination of the activity, (7) the location of the activity if not revealed in response to sub-part (2) above, (8) whether any recordings, logs, digests, reports, notes or other records of any kind regarding the activity were made, (9) if so, whether such records, or records of such activity in any form presently exist, (10) if so, the name[s] of the person[s] having custody at present of such records, (11) if the answer to (7) is "yes" and the answer to (8) is "no," when and why such records were destroyed or lost, and (12) the authorization, if any, for engaging in such activity;

B. Questions Regarding Agency Reports, Records, etc.

7. With respect to each defendant agency, including any subordinate agency or subdivision, which possesses, maintains or at any time during the period of this lawsuit has possessed or maintained files or records of any nature regarding plaintiff or any of its affiliated religious organizations and/or the officers or members thereof:

(a) describe by category the information, files and records so possessed or maintained;

(b) for each such category of information, files or records, give the statute[s] and/or regulation[s] authorizing, and/or governing in any manner the collection and maintenance of the material;

(c) to the extent not covered in the response to (b), with respect to each such category of information, files or records, describe or provide any official documents prescribing the policies of the agency governing (1) the retention and destruction of the records, (2) the verification of information received (3) the correction of records if they are learned to contain incorrect information, and (4) the use or dissemination of such information, files or records, or any reports,

summaries, abstracts or notes thereof or derived therefrom, outside the agency, subordinate agency or subdivision.

8. Have any of defendant agencies at any time during the period of this lawsuit disseminated any of the information, files or records in their possession concerning plaintiff or any of its affiliated organizations or the officers or members thereof, or any reports, summaries, abstracts or notes thereof or derived therefrom, to any of the following:

- (a) other federal government agencies, whether defendants herein or not;
- (b) any state or local governments or agencies thereof;
- (c) any foreign governments or agencies thereof, or international organizations, whether such dissemination was accomplished directly or through embassies or other agencies of the federal government located abroad;
- (d) any Members of Congress;
- (e) any private individuals; or
- (f) any private groups.

9. If the answer to any sub-part of Question 8 is "yes," state with respect to each such instance of dissemination:

- (a) the author and/or transmitter of the information, file, record, report, summary, abstract or note;
- (b) the recipient thereof;
- (c) the purpose of the dissemination;
- (d) the authority, if any, for the dissemination;
- (e) the substance of the information disseminated;
- (f) the steps, if any, taken to verify the information prior to its dissemination; and
- (g) whether any information so disseminated was ever learned to be false and, if so, what steps were taken to correct it.

C. Questions Concerning Adverse Government Activity

10. (a) Have any of defendant agencies at any time during the period of this lawsuit subjected any of their employees, or applicants for positions of employment to investigation, interrogation or other special scrutiny because they were or

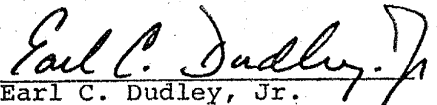
were alleged to be Scientologists or connected with the Church of Scientology?

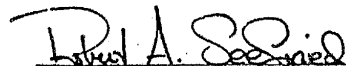
(b) If the answer to (a) is "yes," state with respect to each such instance (1) the name of the employee or applicant, (2) the agency, subordinate agency or subdivision involved, (3) the nature of the investigation, interrogation or scrutiny, (4) the substance of the information derived therefrom, (5) the efforts, if any, to verify the information, and (6) the personnel action taken, if any, including hiring, firing, declining to hire, promoting, declining to promote, transfer, etc.

15. (a) Do the defendants contend that Scientology is not a religion, or that plaintiff and its affiliated religious organizations are not bona fide religious organizations?

(b) If the answer to (a) is "yes," please specify the facts or matters contended to be facts on which the defendants base such a contention and the legal significance of those facts in reaching such conclusion.

Respectfully submitted,

  
Earl C. Dudley, Jr.

  
Robert A. Seefried

SEYMOUR & DUDLEY  
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February 13, 1978